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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/680,379	10/06/2003	Hagen Klauk	MUH-12807	5870	
24131	7590 01/11/2006		EXAMINER		
LERNER GREENBERG STEMER LLP			CHACKO DAVIS, DABORAH		
P O BOX 248 HOLLYWOO	oD, FL 33022-2480		ART UNIT	PAPER NUMBER	
	•		1756		
			DATE MAILED: 01/11/2006	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. sposition of Claims 4) ☑ Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement. splication Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(c) 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.		Application No.	Applicant(s)
The MAILING DATE of this communication appears on the cover sheet with the correspondence address riod for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.138(e). In no event, however, may a reply be timely find WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.138(e). In no event, however, may a reply be timely find WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.138(e). In no event, however, may a reply be timely find WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.704(b). WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Failure to reply within the soft o extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 13.3). Any reply received by the Office left than three mentions after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). **INTERPLET OF THIS COMMUNICATION OF THIS COMMUNICATION OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **INTERPLET OF THIS COMMUNICATION. **I		10/680,379	KLAUK ET AL.
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In oe event, however, may a reply be timely filled after 50 (s) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will experience for the provision of 37 CFR 1.136(a). In oe event, however, may a reply be timely filled of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will experience for the provision of the provi			11.51
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the previsions of 37 CFR 1.136(a). In one event, however, may a reply be timely filed after 5% (6) MONTHS from the mailing date of this communication. Failure to reply with the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three membras after the mailing date of this communication, even if timely filed, may reduce any seamed patent term adjustment. See 37 CFR 1.704(b). Which is action in Final. 1) ■ Responsive to communication(s) filed on 06 October 2003. 2a) ■ This action is Final. 2b) ■ This action is non-final. 3) ■ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. position of Claims 4) ■ Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 ■ Claim(s) is/are allowed. 6) ■ Claim(s) is/are allowed. 7 ■ Claim(s) is/are allowed. 8) ■ Claim(s) 1-24 are subject to restriction and/or election requirement. polication Papers 9) ■ The specification is objected to by the Examiner. 10) ■ The drawing(s) filed on is/are: a) ■ accepted or b) ■ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(c) and all b) ■ Some * c) ■ None of: 1. □ Certified copies of the priority documents have been received in Application No		n appears on the cover sheet with	the correspondence address
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1) I Notice of Neterences Cited (F 10-092)	
2) Notice of Draftsperson's Patent Drawing R	

lotice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

Paper No(s)/Mail Date _

4) 🔲	Interview Summary (PTO-413)
	Paper No(s)/Mail Date	

Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

Application/Control Number: 10/680,379 Page 2

Art Unit: 1756

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-15, are drawn to a method, classified in class 430, subclass 311.
- II. Claims 16-24, are drawn to a product, classified in class 257, subclass 27. The inventions are distinct, each from the other because of the following reasons:
- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by a materially different process such as ion beam assisted deposition.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daborah Chacko-Davis whose telephone number is (571) 272-1380. The examiner can normally be reached on M-F 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F. Huff can be reached on (571)272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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